

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DEBORAH L. KINNISON,	§	
	§	
Plaintiff,	§	Civil Action
	§	No. C-06-355
v.	§	
	§	
HUMANA HEALTH PLAN OF TEXAS,	§	
INC., et al.,	§	
	§	
Defendants.	§	

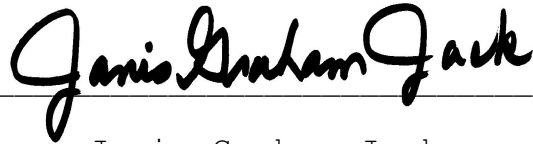
ORDER

On March 30, 2007, Defendants Humana Health Plan of Texas, Inc., Humana, Inc. and Humana Insurance Company (together, "Humana Defendants") filed a "Motion to Dismiss or Alternative Motion for Summary Judgment" in the above-styled action (D.E. 20). The Humana Defendants state that their motion is a "motion to dismiss for failure to state a claim upon which relief can be granted and motion for judgment on the pleadings under Federal Rules of Civil Procedure 12(b)(6) and 12(c)", and in the alternative, it is a "motion for summary judgment under Federal Rule of Civil Procedure 56". (Motion, p. 1).

The Court hereby ORDERS that the Court will treat the above-referenced motion filed by the Humana Defendants solely as a motion for summary judgment, filed pursuant to Federal Rule of Civil Procedure 56. The Court will not treat the above-referenced motion as a motion to dismiss or motion for judgment on the pleadings under Federal Rules of Civil Procedure 12(b)(6) or 12(c). Plaintiff shall respond to the Humana Defendants' motion for

summary judgment accordingly.

SIGNED and ENTERED this 3rd day of April, 2007.

A handwritten signature in black ink, reading "Janis Graham Jack", is positioned above a horizontal line.

Janis Graham Jack
United States District Judge